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September 3, 2024

Hon. Michael A. Shipp
United States District Judge
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

RE: Salvatore Pelullo v. United States, No. 24-cv-4008 (MAS)

Dear Sir/Madam:

I represent Defendant Salvatore Pelullo in the above-captioned action, and I am in receipt of the government's letter dated August 31, 2024. While I did discuss several of the issues raised in the government's letter, I write to clarify two points.

First, Mr. Pelullo will not agree to "administratively terminate" his habeas petition for fear that any refiling would be untimely. Instead, Mr. Pelullo is only willing to stay the proceeding pending the (a) the Third Circuit issues its en banc decision on remand in Range and (b) Moore becomes final on direct review. I agree with the government that it is a waste of resources to litigate this matter while the Range and Moore cases could substantively impact the arguments that the parties make.

Second, Mr. Pelullo requests 60 days from the Third Circuit's decision in Range and the final direct review on Moore (whichever is later) to file an updated brief. While Mr. Pelullo initially proposed to the government that it could have 30 days from the Third Circuit's decision in Range to file its response to Mr. Pelullo's initial petition, that proposal came only after the government had months to respond and continually sought extensions. Conversely, as per this Court's April 3, 2024 Order, the parties had sixty (60) days to prepare further briefing.

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Accordingly, Mr. Pelullo requests sixty (60) days from the Third Circuit's decision in Range and the final direct review on Moore (whichever is later) to prepare his updated response, as is consistent with this Court's April 3, 2024 Order. I have communicated with Assistant United States Attorney Mark Coyne, Esq., regarding the matter, and he is understanding of the misunderstanding that occurred.

Respectfully Submitted,



Terrell A. Ratliff, Esquire

cc: Mark E. Coyne, Assistant U.S. Attorney
(by notice of electronic filing)

So ordered this ____ day of September, 2024.

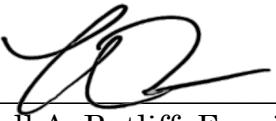
Hon. Michael A. Shipp, U.S.D.J

CERTIFICATE OF SERVICE

I certify that today I caused a copy of this letter and its attachments to be served by notice of electronic filing upon opposing counsel in this case:

Mark E. Coyne, Assistant U.S. Attorney
mark.coyne@usdoj.gov

Respectfully Submitted,



Terrell A. Ratliff, Esquire